

REMARKS

Claims 1, 3, 7, 8 and 13 have been amended. Support for the amendments may be found throughout the specification and claims as filed. Applicants submit that no new matter has been added. Dependent claim 2 has been cancelled and re-presented as independent claim 1 with amendments. Claims 1 and 3-20 are currently pending in the application. For reasons set forth hereinbelow, Applicants respectfully request that the rejections associated with the pending claims be withdrawn.

Claims 1-2, 5-11, 13-14, and 16-20

In the Office Action, claims 1-2, 5-11, 13-14, and 16-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,852,775 (“Hidary”) in view of U.S. Patent No. 6,505,046 (“Baker”). Applicants traverse the rejection as follows.

Applicants submit that independent claims 1 and 13 are not obvious over Hidary in view of Baker because none of the references, alone or in combination, disclose, teach or suggest all the limitations set forth in the claims.

A *prima facie* case of obviousness under 35 U.S.C. §103(a) requires, among other things, that the cited references, when combined, teach or suggest every element of the claim. *See MPEP §2142*. Furthermore, the teachings or suggestions must be found in the cited references and cannot be based on the applicants’ disclosure. *See MPEP §§2143-2143.03*. Applicants submit that the Office has not established a *prima facie* case of obviousness because not all elements of claims 1 and 13, as amended, are taught or suggested by the cited references.

Hidary is directed to a cellular telephone system that involves an ad server and a memory for holding various commercial messages that are generic or tailored for specific demographically selected subscribers or geographic cells. *See Hidary, col.2; line 15 – col. 4; line 54.* However, Applicants submit that nowhere does Hidary teach, among other things, “sending one of... the plurality of location-specific advertisements to the wireless communication device in the form of a TCP/IP (Transmission Control Protocol/Internet Protocol) message over a communication network without transmitting an indication of the identity of the user therewith” as claimed in claim 1, and “sending one of... the plurality of location-specific advertisements to the wireless communication device over the communication network without transmitting the first information about the identity of the user therewith” as claimed in claim 13.

Baker is directed to a network that processes a mobility origination message, derives the subscriber’s location and constructs a set of advertisements based on that location for a subscriber at a particular time. *See Baker, col.2; lines 8-27.* However, Applicants submit that nowhere does Baker teach, among other things, “sending one of... the plurality of location-specific advertisements to the wireless communication device in the form of a TCP/IP (Transmission Control Protocol/Internet Protocol) message over a communication network without transmitting an indication of the identity of the user therewith” as claimed in claim 1, and “sending one of... the plurality of location-specific advertisements to the wireless communication device over the communication network without transmitting the first information about the identity of the user therewith” as claimed in claim 13.

Therefore, Applicants respectfully submit that claims 1 and 13 are not obvious in view of Hidary and Baker, taken alone or in combination, because not all elements of claims 1 and 13 are taught or suggested by the cited references. Thus, Applicants submit that claims 3-12, which

depend from claim 1, and claims 14-20, which depend from claim 13, are not obvious in view of Hidary and Baker, taken alone or in combination, for the same reasons stated hereinabove.

Claims 3-4, 12, and 15

In the Office Action, claims 3-4, 12, and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hidary in view of Baker and U.S. Patent No. 6,101,381 ("Tajima").


Applicants traverse the rejection as follows.

Claims 3-4 and 12 depend from independent claim 1 and claim 15 depends from independent claim 13. For reasons stated hereinabove, Applicants submit that claims 1 and 13 are not obvious over Hidary and Baker. In addition, MPEP §2143.03 states that if an independent claim is not obvious under 35 U.S.C. §103(a), then any claim depending therefrom is not obvious over the cited references. *See MPEP §2143.03*. Therefore, Applicants submit that claims 3-4 and 12, which depend from claim 1, and claim 15, which depends from claim 13, are not obvious in view of Hidary, Baker and Tajima for reasons stated hereinabove. Accordingly, Applicants respectfully request that the §103(a) rejections associated with claims 3-4, 12, and 15 be withdrawn.

CONCLUSION

Applicants respectfully request issuance of a Notice of Allowance for the pending claims in this application. If the Examiner is of the opinion that the instant application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,



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